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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,787	02/15/2002	Franz Niedereeder	NIEDEREDER ET AL-1 (PCT)	6094
25889	7590	12/08/2003	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	
DATE MAILED: 12/08/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,787

Applicant(s)

NIEDEREDER ET AL.

Examiner

Clifford C Shaw

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 70-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

1.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.) Claims 89-92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 89 and 91, there is no antecedent basis for “said software modules”, making it unclear what the scopes of the claims are. In claim 90, there is insufficient antecedent basis for “the object oriented software modules”, making it unclear what the scope of the claim is. Claim 92 is inadequate under 35USC112 in that it depends from claim 91.

3.) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.) Claims 70-77, 79-82, 85-88, 98, 99, 100, 104, and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al (5,805,442). The Rippey et al. article teaches the use of open architecture standards to connect arc welding cells to the internet for distributed control and monitoring of the welding process (see in particular the discussion at page 3 of the Rippey et al. article). The claims differ from the broad teachings of the Rippey et al. article in specifying the use of an http server associated with the welding device for two-way communication with a primary network. The claims also specify the use of a housing for the various components involved with the welding device. These

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differences do not patentably distinguish over the prior art. When the artisan of ordinary skill implements the broad teaching of the Rippey et al. article to connect a welding system to the internet for monitoring and control purposes, using an open architecture approach, it is considered obvious he will use any well known networking technique for industrial systems. In particular, it would have been obvious to use a networking approach wherein the welding cell included its own http server for communicating with the primary network in view of the teachings of Crater et al that such an approach is advantageous for networking industrial modules (see figure 2 of Crater et al which shows arbitrary networked industrial modules and see figure 1 which shows the use of an http server for each module at element 45; also see the discussion at column 6 in Crater et al). In regard to the claim language calling for a housing, computer equipment and networking equipment must necessarily include a housing of some type in order to function. It is considered obvious that the artisan of ordinary skill will include housings for the electronic equipment when practicing the teachings of Rippey et al. and Crater et al.

5.) Claims 78, and 89-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al as applied to claims 70-77, 79-82, 85-88, 98, 99, 100, 104, and 105 above, and further in view of Hsu (6,002,104). The only aspect of the claims to which the rejection above does not apply is the provision for downloading software modules and particularly software modules written in an object-oriented language or in JAVA. These differences do not patentably distinguish over the prior art. It would have been obvious to have provided the system of the Rippey et al. article with software downloads of JAVA modules in view of the teachings of Hsu that it is advantageous to download JAVA programs to a welding

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module over the internet (see column 4 lines 1-13 in Hsu). In regard to the claims calling for object oriented modules, since JAVA is an object oriented language, this limitation is satisfied by Hsu.

6.) Claims 83, 84, and 101-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al as applied to claims 70-77, 79-82, 85-88, 98, 99, 100, 104, and 105 above, and further in view of Blankenship et al.(6,267,291). The only aspect of the claims to which the rejection above does not apply is the provision for transferring data related to operating supplies over the welding network. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have transferred operating supply data over the network in the Rippey et al. article, the motivation being the teachings of Blankenship et al. that it is advantageous use computerized means to keep track of welding supply inventories for welding cells (see figure 20 and the discussion at column 12, line 47 through column 13, line 20 in Blankenship et al.).

7.) Claims 95-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al as applied to claims 70-77, 79-82, 85-88, 98, 99, 100, 104, and 105 above, and further in view of Ohmi et al. (5,981,905). The only aspect of the claims to which the rejection above does not apply is the provision for a wireless data transmission arrangement. This difference does not patentably distinguish over the prior art. It would have been obvious to have used any well known networking hardware in the system of the Rippey et al. article. In particular, it would have been obvious to have used a wireless

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networking system, the motivation being the teachings of Ohmi et al. that such is advantageous (see figure 3, elements 11 and 14 in Ohmi et al. and the discussion at columns 3 and 4 in Ohmi et al.). In regard to the claimed infrared interface, this is considered an obvious variation over the teachings of Ohmi et al.. In column 4, lines 1-5, the patent to Ohmi et al. suggests the use of any well known wire technology. It is considered obvious that this teaching could be implemented with a well known infrared networking approach.

8.) Applicant's remarks in his amendment filed on 10/17/2003 have been given careful consideration, but are not persuasive of patentability. Applicant argues that the Rippey et al. article does not discuss the use of sensors in an enabling manner and that the claimed housing is not shown in the prior art. These arguments are not persuasive of patentability. Applicant is advised that the use of sensors in the electrical welding arts is exceedingly common and well known. The suggestion in Rippey et al. to use welding sensors in conjunction with internet protocols is considered adequate to enable an artisan of ordinary skill to implement the teaching. Applicant is to note that his own specification does not discuss the use of sensors in great detail. The lack of detail in the discussion of Rippey et al. and in applicant's own specification as to the use of sensors in an electrical welding environment is not considered non-enabling because of the widespread use of sensors in electrical welding. The claimed housing is not considered patentably significant. Housings are an inherent part of computer and internet equipment and the equipment in the applied prior art must have housings of some type, satisfying the claim limitations directed to a housing.

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9.) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 703-308-1712. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 703-308-3318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'Clifford C Shaw', with a stylized, cursive script.

Clifford C Shaw
Primary Examiner
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December 1, 2003